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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

| | | |
|---|---|--------------------------------|
| FRED STEINER; WILLIAM |) | No. CV 00-5798 FMC (AIJx) |
| GOLDSTEIN; NATHAN EAST, doing |) | |
| business as NEW EAST MUSIC; |) | Hon. Florence-Marie Cooper |
| EUGENE A. BOOKER, JR., also |) | |
| known as CHUCKII BOOKER, doing |) | <u>CLASS ACTION</u> |
| business as ALLENASONGS; all |) | |
| individuals, and on behalf of all those |) | MEMORANDUM OF POINTS AND |
| similarly situated, |) | AUTHORITIES IN SUPPORT OF |
| |) | MOTION |
| Plaintiffs, |) | FOR AN ORDER APPROVING |
| v. |) | <i>CY PRES</i> DISTRIBUTIONS |
| |) | |
| ABC, INC.; AMERICAN |) | Date: January 5, 2009 |
| BROADCASTING COMPANIES, |) | Time: 10:00 a.m. |
| INC.; WORLDVISION |) | Courtroom: 750 Roybal Building |
| ENTERPRISES, INC.; IMAGE EDIT, |) | |
| INC.; SPELLING SATELLITE |) | |
| NETWORKS, INC.; VIDEO |) | |
| SERVICES CORPORATION; AUDIO |) | |
| PLUS VIDEO INTERNATIONAL, |) | |
| INC.; and DOES ONE through TEN, |) | |
| inclusive, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OF POINTS AND AUTHORITIES

The claims administrator for this action, Gilardi & Co. LLC (“Gilardi”) has completed all necessary steps to pay all valid claims filed in this action. See Declaration of Jeffrey L. Graubart (“Graubart Decl.”), filed concurrently herewith, Exh. A (Declaration of Bruce H. Cozzi, Gilardi’s Fund Controller (“Cozzi Decl.”).) Gilardi has determined that there is \$277,075.54 remaining in the settlement fund and available for *cy pres* distribution. See id.

The terms of the settlement in this case, including the January 28, 2005 Order granting final approval of settlement and the Stipulation of Settlement preliminarily approved by the Court by its Order dated February 24, 2003, authorize, subject to Court approval, distribution of any residual funds to an appropriate non-profit organization(s). To that end, Class Counsel, on behalf of the class, suggest distribution of the residual money (plus any proportionate interest earned through the date of distribution) to the following non-profit [tax exempt 503(c)(3) or 501(c)(6)] organizations:

| <u>NAME</u> | <u>AMOUNT</u> |
|---|---------------|
| ASCAP Foundation ¹ | \$ 75,000.00 |
| BMI Foundation, Inc. ² | 75,000.00 |
| Los Angeles Philharmonic Association ³ | 25,000.00 |
| The Colburn School ⁴ | 25,000.00 |
| Merit School of Music | 25,000.00 |
| Society of Composers and Lyricists | 17,500.00 |

¹ In honor of ASCAP members and plaintiffs Nathan East and Fred Steiner.

² In honor of BMI affiliates and plaintiffs William Goldstein and Eugene “Chuckii” Booker.

³ To be designated for use by Youth Orchestra LA.

⁴ To be designated for use by Conservatory of Music and/or music program of School of Performing Arts.

| | | |
|---|--------------------|----------------------|
| 1 | NOW Ensemble | 17,500.00 |
| 2 | Film Music Society | <u>17,075.54</u> |
| 3 | TOTAL | <u>\$ 277,075.54</u> |

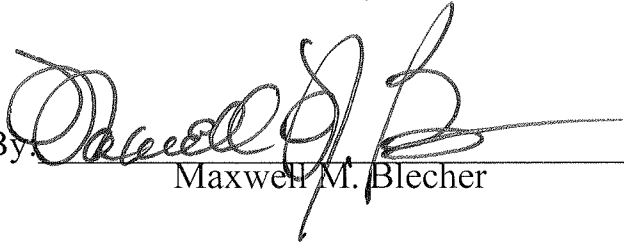
4 Further information with respect to each of the foregoing organizations are set
5 forth in the Declaration of Jeffrey L. Graubart (Exhibits "B" through "I"), filed
6 concurrently herewith.

7
8 DATED: December 5, 2008

Respectfully submitted,

9 LAW OFFICES OF JEFFREY L. GRAUBART, P.C.
10 BLECHER & COLLINS, P.C.

11
12
13 By



Maxwell M. Blecher